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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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22862	7590	08/07/2006	EXAMINER	
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			ORTIZ, BELIX M	
			ART UNIT	PAPER NUMBER
			2164	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,483

Applicant(s)

JAMES ET AL.

Examiner

Belix M. Ortiz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/17/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications files on 17-May-2006. Claims 1, 5, 15, 19, and 28 are amended and claim 29 is added per applicant request. Claims 1-29 are presently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-5, 10-11, 14-19, 24-25, and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Edlund et al. (U.S. patent 6,546,388).

As to claim 1, Edlund et al. teaches a search method, comprising the steps of:

receiving a query to a search engine from a user (see abstract; figure 1, character 156; column 1, lines 62-67; column 2, lines 1-4; and column 3, lines 54-55);

returning a first list of search results in response to said query, said search results each being associated with at least one site (see abstract; figure 3, character 303; column 3, lines 41-43; and column 3 lines 55-58);

providing a selection mechanism within said first list that allows said user to identify search results of interest from among those search results within said first list (see column 3, lines 52-36);

receiving selection mechanism input from said user, said selection mechanism input identifying search results of interest from among those search results within said first list (see column 3, lines 60-66 and column 4, lines 1-5);

adding said identified search results of interest to a second list in response to said input received from said user (see column 3, lines 66-67 and column 4, lines 1-5);

providing said user said second list of search results comprising said search results of interest (see claims 1,5, and 9; column 3, lines 66-67; column 4, lines 1-5; and column 6, lines 59-63); and

allowing said user to visit sites associated with said search results of interest from said second list without having to select and return to said first list of search results (see claim 9; column 6, lines 44-46; column 7, lines 2-4; and column 7, lines 17-23).

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As to claims 2 and 16, Edlund et al. teaches wherein said search method is implemented in a user client (see figure 1, character 154).

As to claims 3 and 17, Edlund et al. teaches wherein said user client is a browser (see column 1, lines 26-40 and column 9, lines 8-15).

As to claims 4 and 18, Edlund et al. teaches wherein said method is implemented in a server (see column 7, lines 21-26).

As to claims 5 and 19, Edlund et al. teaches wherein said selection mechanism input is generated responsive to a mouse-over click (see column 1, lines 30-32; column 3, lines 66-67; and column 4, lines 1-5).

As to claims 10 and 24, Edlund et al. teaches wherein said search comprises any of a content search, file search, and a database search (see figure 1, character 158 and column 3, lines 44-45).

As to claims 11 and 25, Edlund et al. teaches the method further comprising the step of:

saving entries in said second list in chronological order, where most recent sites are displayed at a top of said second list (see column 6, lines 64-67).

As to claims 14 and 28, Edlund et al. teaches wherein said search method and apparatus is implemented in a search portal (see column 2, lines 10-15).

As to claim 15, Edlund et al. teaches a search apparatus, comprising:

means for receiving a query to a search engine from user (see abstract; figure 1, character 156; column 1, lines 62-67; column 2, lines 1-4; and column 3, lines 54-55);

means for returning a first list of search results to said user in response to said query, said search results each associated with at least one site (see abstract; figure 3, character 303; column 3, lines 41-43; and column 3 lines 55-58);

a selection mechanism within said first list that allows said user to identify search results of interest from among those search results within said first list (see column 3, lines 52-36);

mean for receiving selection mechanism input from said user, said selection mechanism input identifying search results of interest from among those search results within said first list (see column 3, lines 60-66 and column 4, lines 1-5);

mean for adding said identified search results of interest to a second list in response to said input received from said user (see column 3, lines 66-67 and column 4, lines 1-5);

mean for providing said user said second list of search results comprising said search results of interest (see claims 1,5, and 9; column 3, lines 66-67; column 4, lines 1-5; and column 6, lines 59-63); and

mean for allowing said user to visit sites associated with said search results of interest from said second list without having to select and return to said first list of search results (see column 6, lines 44-46; column 7, lines 2-4; and column 7, lines 17-23).

As to claim 29, Edlund et al. teaches a computer readable medium containing a computer program product for robustly searching, the computer program product comprising:

program code for receiving a query to a search engine from a user (see abstract; figure 1, character 156; column 1, lines 62-67; column 2, lines 1-4; and column 3, lines 54-55);

program code for returning a first list of search results in response to said query, said search results each being associated with at least one site (see abstract; figure 3, character 303; column 3, lines 41-43; and column 3 lines 55-58);

program code for providing a selection mechanism within said first list that allows said user to identify search results of interest from among those search results within said first list (see column 3, lines 52-36);

program code for receiving selection mechanism input from said user, said selection mechanism input identifying search results of interest from among those search results within said first list (see column 3, lines 60-66 and column 4, lines 1-5);

program code for adding said identified search results of interest to a second list in response to said input received from said user (see column 3, lines 66-67 and column 4, lines 1-5);

program code for providing said user said second list of search results comprising said search results of interest (see claims 1,5, and 9; column 3, lines 66-67; column 4, lines 1-5; and column 6, lines 59-63); and

program code for allowing said user to visit sites associated with said search results of interest from said second list without having to select and return to said first list of search results (see claim 9; column 6, lines 44-46; column 7, lines 2-4; and column 7, lines 17-23).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edlund et al. (U.S. patent 6,546,388) in view of Lehmeier et al. (U.S. pub. 2003/0133076).

As to claims 6 and 20, Edlund et al. does not teach wherein said second list is any of a pull down and a side bar.

Lehmeier et al. teaches system and method for modifying image-processing software in response to visual test results (see abstract), in which he teaches wherein said second list is any of a pull down and a side bar (see paragraphs 45, 47, and 60).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Edlund et al. by the teaching of Lehmeier et al., because wherein said second list is any of a pull down and a side bar, would enable the method because “Upon individually selecting each of the pull-down menu arrows, the operator will be presented with a menu listing all available selections related to the associated application, image mode, image size, and image resolution, respectively. As is also shown in FIG. 4, the brightness and contrast controls 441, 443 may be similarly presented in the form of a slide bar with each respective slide bar control outfitted with corresponding left and right arrows to adjustably control either the brightness or the contrast value that is applied to the selected image data”, (see Lehmeier et al., paragraph 60).

6. Claims 7-9, 12, 21-23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edlund et al. (U.S. patent 6,546,388) in view of Ehrlich et al. (U.S. pub. 2002/0156685).

As to claims 7 and 21, Edlund et al. does not teach wherein said selection mechanism comprises a separate checkbox associated with each of said search results in said first list.

Ehrlich et al. teaches system and method for automating electronic commerce transactions using a virtual shopping cart (see abstract), in which he teaches wherein said

selection mechanism comprises a separate checkbox associated with each of said search results in said first list (see paragraph 73).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Edlund et al. by the teaching of Ehrlich et al., because wherein said selection mechanism comprises a separate checkbox associated with each of said search results in said first list, would enable the method because "At step 345, the shopper 80 is now able to select an item from the results presented by the web application server 85 and "ADD" the item to the virtual shopping cart. This "ADD" request is sent to the shopping cart manager 95 which stores the necessary information such as the session ID, item URL, price, merchant, etc. in the shopping cart database 115", (see Ehrlich et al., paragraph 73).

As to claims 8 and 22, Edlund et al. does not teach the method further comprising the step of:

providing an edit facility for entries made to said second list.

Ehrlich et al. teaches system and method for automating electronic commerce transactions using a virtual shopping cart (see abstract), in which he teaches the method further comprising the step of:

providing an edit facility for entries made to said second list (see paragraphs 31 and 74).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Edlund et al. by the teaching of Ehrlich et al., because the method further comprising the step of:

providing an edit facility for entries made to said second list, would enable the method because “user profile manager, which maintains user account information for the virtual shopping cart web site and for various merchants' sites. This information is accessible by the user for editing purposes”, (see Ehrlich et al., paragraph 31).

As to claims 9 and 23, Edlund as modified teaches the method said edit facility providing functionality for any of editing entries, clearing all entries, and clearing individual sites (see Ehrlich et al., paragraph 74).

As to claims 12 and 26, Edlund et al. does not teach wherein said second list comprises a temporary queue in which entries are not saved across search sessions.

Ehrlich et al. teaches system and method for automating electronic commerce transactions using a virtual shopping cart (see abstract), in which he teaches wherein said second list comprises a temporary queue in which entries are not saved across search sessions (see paragraph 74).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Edlund et al. by the teaching of Ehrlich et al., because wherein said second list comprises a temporary queue in which entries are not saved across search sessions, would enable the method because “Typically, the shopping

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cart exists for the duration of the shopper's session with the virtual shopping cart system 10 and is not stored long term", (see Ehrlich et al., paragraph 74).

7. Claims 13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edlund et al. (U.S. patent 6,546,388) in view of Rishe (U.S. pub. 6,339,773).

As to claims 13 and 27, Edlund et al. does not teach the method further comprising the step of:

said user designating selected entries within said second list for transfer to a bookmarks list to save information related to said selected entries for use after a current search session has ended.

Rishe teaches data extractor (see abstract), in which he teaches the method further comprising the step of:

said user designating selected entries within said second list for transfer to a bookmarks list to save information related to said selected entries for use after a current search session has ended (see column 5, lines 30-31).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Edlund et al. by the teaching of Rishe, because the method further comprising the step of:

said user designating selected entries within said second list for transfer to a bookmarks list to save information related to said selected entries for use after a current

search session has ended, would enable the method because “In addition, the user can bookmark 310 the result for future access”, (see Rishe, column 5, lines 30-3).

Response to Arguments

8. Applicant's arguments filed 17-May-2006 with respect to the rejected claims in view of the cited references have been fully considered but they are not persuasive:

In response to applicants' arguments that “Edlund et al. fail to disclose or suggest providing said user said second list of search results comprising said search results of interest; and

allowing said user to visit sites associated with said search results of interest from said second list without having to select and return to said first list of search results”, the arguments have been fully considered but are not deemed persuasive, because Edlund et al. teaches “a second resource list including resources that match said popularity vector; said popularity sorter receives said popularity vector and said second resource list from said query manager and said first resource list and said information identifying the current session from said session manager, producing a sorted resource list that is provided to said session manager; and said association receives said sorted resource list and said information identifying the current session from said session manager and updates said query database based on this data, for use with subsequent sessions” (see Edlund et al., claim 1).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on Monday-Friday 9am-5pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bmo

July 27, 2006



CHARLES RONES
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